

THE OLD CROSSING CHIPPEWA TREATY AND ITS SEQUEL*

On June 25, 1933, a monument marking the Old Crossing treaty was dedicated at Huot on the Red Lake River. As the superintendent of the Minnesota Historical Society stood to deliver an address on that occasion, there arose behind him a stately row of Indians in full panoply, forming a colorful background. Seventy years earlier, on the same site, another speaker—Governor Alexander Ramsey of Minnesota—rose on September 23 to make an address, facing a council of Indians. Although the natives were equally colorful at the earlier gathering, they were not a background, but the audience itself. It was not the first Indian council that Governor Ramsey had called. With the coming of lumbermen, investors, and settlers, the red man had often encountered the white man's denial of the savage theory of ownership—"The Master of Life placed us here, and gave it [*the land*] to us for an inheritance."¹

The pale faces of the fourth and fifth frontier, as Professor Turner calls them, did not want the Indians as neighbors and companions. The explorers, the gay voyageurs, the fur traders, and the missionaries had for the most part lived in peace with the red men and had prospered through the roving, trapping, and gunning of the Indians so long

* A paper read at the afternoon session of the eighty-fifth annual meeting of the Minnesota Historical Society, held in the Historical Building, St. Paul, on January 8, 1934. *Ed.*

¹ A document which includes the terms of the Old Crossing treaty, the president's letter of transmittal to the Senate, and the "Journal of the Proceedings Connected with the Negotiation" was "ordered to be printed in confidence for the use of the Senate" on January 8, 1864. It appeared as 38 Congress, 1 session, *Confidential Executive Documents*, P. A copy is bound with the Ramsey Pamphlets in the possession of the Minnesota Historical Society, volume 2, number 26. For the statement quoted, see p. 18.

as they kept out of war with neighboring tribes. The farmer with his family was obliged to clear the land, free himself from his pilfering and terrifying neighbors, possess title to his claim, and procure safe routes for travel and transportation; the lumber companies had to obtain clearing rights or ownership of land; established trading lines looked for safe routes of travel; and military forces sought the right to move unmolested over roads between posts. All these intruders in the red man's country pressed their claims as time went on. The original land holder was dispossessed of large areas by successive treaties with United States representatives, definitely authorized or not, and the government began a concentration policy by establishing reservations in a few localities.²

Governor Ramsey was no novice at making treaties with the Indians when he departed for Red Lake River in 1863 to negotiate for safe transportation routes. In 1851 he had been at Pembina in the Red River Valley on a treaty mission to satisfy the demands of the half-breeds for "a fee simple title to the lands they live upon" and of the squatters living near Pembina for clear land titles when they found themselves south of the international boundary and on Indian land. On September 20, 1851, after five days of feasting and speaking, a treaty was signed conceding an area of five million acres on both sides of the Red River down to the Sioux-Chippewa boundary line of 1825 for two cents an acre, payments being five per cent annuities on two hundred thousand dollars for twenty years. Ramsey, commenting on the acquisition of these rich lands, said, "The Indians might have been induced, under the pressure of their necessities, to part with them for a much less sum had the representative of the government thought it consistent with its dignity, or honorable to its humanity, to

² William W. Folwell, *A History of Minnesota*, 1: 288 (St. Paul, 1921). See also a map on page 324 of this work showing Minnesota Indian land cessions and reservations to 1858.

insist upon making the best bargain with poor, ignorant savages it was possible to obtain.”³

The negotiations of 1851 and 1863 make an interesting parallel study. In the earlier, the Indian was to be “concentrated at the head of the waters, the land being entirely unsuited and undesirable for white occupation,” but in Congress “vigorous opposition at once appeared” to all the Minnesota Indian treaties negotiated in 1851. On June 26, 1852, Henry H. Sibley, the Minnesota delegate in Congress, wrote to Governor Ramsey: “The long agony is over. . . . The Pembina treaty went by the board. . . . It had to be offered up as a conciliatory sacrifice by the friends of the other treaties”—that is, the Traverse des Sioux and Mendota treaties.⁴ Some further negotiations seem to have been started in 1861, but they were checked by Matwakoonoonind, a Red Lake Indian chief. In fact, Joseph A. Wheelock, editor of the *St. Paul Daily Press*, stated that five or six attempts had been made to treat with the Red Lake and Pembina Indians before 1863.⁵

By 1862 a new group joined in the demands for arrangements with the Indians. With the growth of the Red River trade, protection from raids was needed. Steamboat trade was begun in 1859. The “East Plains” and “Woods” routes on the Red River trails were open to Chippewa attack,⁶ and the Pembina Chippewa group, by virtue of its strategic location, could control all three Red

³ 32 Congress, 1 session, *Senate Executive Documents*, vol. 3, no. 1, p. 284-288 (serial 613).

⁴ 32 Congress, 1 session, *Senate Executive Documents*, vol. 3, no. 1, p. 286 (serial 613); Henry H. Sibley to Alexander Ramsey, June 26, 1852, Ramsey Papers, in the possession of the Minnesota Historical Society; Folwell, *Minnesota*, 1: 290.

⁵ *Saint Paul Daily Press*, October 14, 1863. A file of this newspaper is in the possession of the Minnesota Historical Society.

⁶ Grace L. Nute, “The Red River Trails,” *ante*, 6: 279-282; Russell Blakely, “Opening the Red River of the North to Commerce,” in *Minnesota Historical Collections*, 8: 47-58. The routes are shown on a map accompanying Miss Nute’s article.

River trails. Another attempt to deal with the Pembina and Red Lake Indians resulted.

In 1862 William P. Dole, commissioner of Indian affairs, and John G. Nicolay, President Lincoln's private secretary, reached Minnesota for a trip to the Red River Valley, in order to arrange for a treaty as authorized by Congress. A train of thirty wagons loaded with Indian goods and a herd of about two hundred cattle preceded Dole and Nicolay and reached Fort Abercrombie about the middle of August. The officer in charge of this post received on August 23 an order to detain the goods and animals because of the Sioux Outbreak, which had started only a few days earlier, and the treaty plans were abandoned.⁷ When the treaty party started west, Hole-in-the-Day, head chief of the Chippewa of the Mississippi, was giving serious concern to the whites. Rumors were abroad that he was gathering the Chippewa to join in the Sioux uprising. Hole-in-the-Day refused to guarantee safe military routes, and demanded that the government turn over to him ten thousand dollars worth of goods—he probably had in mind the Indian goods brought to Fort Abercrombie for the proposed Red Lake treaty—if it wanted no further trouble from him.⁸

The call for a treaty council in 1863 was made the more urgent because of an irritating episode connected with the journey of 1862. The Red Lake and Pembina Indians had met in accordance with their instructions to "collect at the mouth of the Red Lake River, on the 25th of August, 1862." There they waited for a considerable time, consuming all their provisions. Norman W. Kittson was

⁷ Folwell, *Minnesota*, 2: 168 (St. Paul, 1924); Major C. P. Adams to Lieutenant D. Scott, December 4, 1865, Adams Papers, in the possession of the Minnesota Historical Society.

⁸ John Nicolay, "Hole-in-the-Day," in *Harper's New Monthly Magazine*, 26: 186-191 (January, 1863); United States Commissioner of Indian Affairs, *Reports*, 1862, p. 73-83.

passing through with about twenty-five thousand dollars worth of goods belonging in part to British subjects, agents of the Hudson's Bay Company. The Indians knew Kittson as a friend, but he had passed through their territory without paying for the privilege. Therefore they used some of his goods as part payment. This incident, added to earlier troubles of traders in the Red River Valley, spurred the commissioner of Indian affairs to hurry the reopening of treaty negotiations. On July 6, 1863, Ramsey wrote to Bishop Henry B. Whipple:

So far I have nothing further than verbal instructions . . . as to the treaty to be effected with the Chippewa for the free navigation of the Red River & the cession of a strip of land fifteen or twenty miles on either side of that river. . . . I should be pleased to have you or your friends of the party.⁹

On August 24 supply trains with the treaty goods were finally on their way, preceding the delegation. It was an interesting party that left St. Paul. Governor Ramsey wrote in his diary on September 2: "Taking a two horse carriage of Benson left with Ben. Thompson & Hon Reuben Ottman for Red Lake Treaty." Wheelock describes Ben Thompson as "the efficient commissary of the Expedition—who gives every evidence of being fully equal to the weighty and responsible duties of his position." Wheelock was secretary of the expedition. From St. Cloud he wrote to his wife:

I had a couple of charming compagnons du voyage in Bishop Whipple and a friend of his named Tiffany. . . . I found the Bishop whom I had never met before a most delightful chatty fellow. He entered the coach at the International smoking a sweet briar pipe and introduced himself to me in the car. . . . The Bishop himself, whose sweet briar pipe and free and easy manner rather upsets one's conceptions of Episcopal dignity, was on rapporté with his sporting friend [Tiffany] on questions of game. In fact, I found the Bishop belonged to the muscular school of Christians. . . . We chatted inter-

⁹ Return I. Holcombe, *History and Biography of Polk County*, 52-54 (Minneapolis, 1916); Ramsey to Henry B. Whipple, July 6, 1863, Whipple Papers, in the possession of the Minnesota Historical Society.

mittently all day, ranging through all possible fields of literature, theology, ectheology, ornithology, zoology, history, and everything which the sight of the frontier suggests.¹⁰

J. G. Morrison, special interpreter, military officers, and members of the cavalry completed the company. At Richmond two companies of Sibley's mounted men joined the escort.

As one reads Wheelock's description, a pageant is marshalled before one's eyes of "sixty army supply waggons, drawn by mules . . . thirteen wagons from St. Paul, containing Indian goods . . . four or five passenger conveyances," and an "escort . . . of three companies of mounted men." The cavalcade becomes more imposing as one visualizes its array of two hundred and ninety men, three hundred and forty mules, one hundred and eighty horses, fifty-five oxen, and ninety vehicles proceeding toward Red Lake River from Fort Abercrombie.¹¹

On September 7 misfortune touched the party. Near Sauk Center and within a hundred yards of the military camp of the supply train's escort, a farmer was murdered by the Indians while protecting his barns. Another unfortunate incident occurred when the carriage that was conveying Bishop Whipple to Sauk Center was upset through the carelessness of the driver. Because of an injury to Whipple's hand, the party was deprived of the bishop's company beyond the post and this staunch friend of the Indians was not present at the treaty council.¹²

The procession wound on by way of Alexandria, Chipping Lake, and Fort Pomme de Terre, over a broken country to the crossing of the Otter Tail River, until at eleven

¹⁰ *Press*, September 12, 1863; Joseph A. Wheelock to Mrs. Wheelock, September 14, 1863. This letter is in the possession of Miss Ellen Wheelock of St. Paul.

¹¹ *Press*, September 12, 22, 1863; 38 Congress, 1 session, *Confidential Executive Documents*, P., page 11.

¹² Ramsey Diary, September 7, 1863. The original of this diary is owned by the governor's daughter, Mrs. Charles E. Furness of St. Paul; the Minnesota Historical Society has a copy.

o'clock on September 12 the advance carriages reached Fort Abercrombie. The supply carts had been there since September 3. There the train was augmented by taking on the remaining supplies of 1862, some twenty-eight thousand pounds of treaty goods. The party then plunged "into the fathomless solitudes of the wild west." Its hunters succeeded in supplying it with duck, plover, and other game, which, as Wheelock wrote, were cooked in a style that "would be no discredit to Delmonico." The travelers followed the Red River to Buffalo, near Georgetown, and over a level country to the Wild Rice River, and north along the Red River to Sand Hill. There they left the river and on horseback, rather than by carriage, traveled to the Red Lake River crossing, which was reached on the morning of September 21.¹³

The numerous problems that faced Ramsey and his aides might easily have deterred a less experienced group. The Red Lake band under Ashley C. Morrill, the Indian agent, was already encamped in large numbers, and the Pembina group had not arrived. The next day, however, the latter appeared under Charles Bottineau's direction. On September 28, as guests of the government, there were present 579 Indians and 24 half-breeds of Red Lake, and 352 Indians and 663 half-breeds of Pembina. According to Ramsey, however, "not more than a hundred . . . would strictly come within the actual terms of my invitation." With 1,618 guests and their horses and numerous dogs to provide for, it is not surprising that Ramsey wished "expeditious despatch of business to accomplish the objects in view before exhausting our stock of provisions." ¹⁴

¹³Ramsey Diary, September 7 to 21, 1863; Wheelock to Mrs. Wheelock, September 7, 1863. The events of the journey to the crossing of the Red Lake River are fully described in the *Press*, and in the Ramsey Diary for September 2 to 21, 1863. See especially the reports in the *Press* for September 12 and October 2 and 20, 1863.

¹⁴38 Congress, 1 session, *Confidential Executive Documents*, P., page 7.

The opening council of the negotiations began, according to Wheelock, with hand shaking. Thereupon the chiefs sat on the ground before Governor Ramsey, "their headmen ranged in the same posture behind them, lit their black stone pipes and smoked in silence." About them gathered all those interested in the proceedings. The Great Father's food was offered to them, and tobacco was provided. Governor Ramsey opened the discussion by condemning their common enemy, the Sioux, and praising the Chippewa for never violating the "solemn faith of treaties."

Numerous obstacles, however, arose at the beginning of the negotiations. When Hole-in-the-Day appeared at the council, Little Rock, the appointed Chippewa spokesman, refused to proceed through fear "that one who talks my own language is the weapon you are going to use against us." Moreover, the Indians feared punishment for depredations of the preceding years. Not until Ramsey promised on the fourth day to "take away that which squeezes" them, did the conference make any progress. Negotiations were further delayed by the Pembina half-breeds, who advised large annuities. Many of the Indians were stolidly indifferent to the business before them, finding horse racing more enticing than conferences. Even the chiefs were reluctant to assume responsibility in matters of importance.¹⁵

Ramsey's offer to purchase a right of way through the Indian country for twenty thousand dollars was the first problem submitted to the Indians. "After spending the night in . . . profound and solemn fumigation the Chiefs sent word the next morning . . . that they would be ready to meet the Commissioners at noon."¹⁶ As Ramsey expected, his offer was emphatically rejected. From the Indian point of view, the sum offered was small, and such an agreement in reference to the right of way would have

¹⁵ 38 Congress, 1 session, *Confidential Executive Documents*, P., pages 10, 15, 16, 23-25; *Press*, October 2, 1863.

¹⁶ Ramsey Diary, September 26, 1863; *Press*, October 23, 1863.

postponed a lucrative land treaty, impaired the strength of the Indian claim to jurisdiction over their land, and abrogated their right to levy toll on merchants and steamboats passing through the country. Moreover, many complications would have arisen in a few years when settlers should attempt to secure titles to the land.¹⁷

The Indian view on this matter is revealed in Little Rock's speeches, which were filled with epigrammatic and striking eloquence, a real challenge to the government's representatives. He reasoned incisively against pressing his people into negotiation. He declared:

It seems now that the white man is passing backward and forward, and wresting these prairies from our hands, and taking this food from my mouth. . . . When your young men steal anything, you make them pay for their depredations. That is the way we look upon those white men who drove away the animals and the fish the Great Spirit has given us for our support.

He disposed of the problem of right of way in sharp terms when he said, "If you had wanted a right of way over the roads and rivers you would have consulted us before you took it." His speech made frequent reference to the Great Spirit. "The Master of Life, when he put you here, never told you that you should own the soil," he asserted solemnly, "nor, when the Master of Life put me here, did he tell me that you should own the soil."¹⁸

Ramsey, however, immediately presented a plea for the purchase of the land of the Indians, for he believed that in their opinion it was "a matter of much less consequence what they surrendered, than what they obtained in exchange for the surrender." As Ramsey saw it, the purchase was necessary "at least of such of their lands as could, for many years, fall within the possible exigencies of trade, emigration, or settlement." The governor pointed out that hun-

¹⁷ 38 Congress, 1 session, *Confidential Executive Documents*, P., page 8.

¹⁸ 38 Congress, 1 session, *Confidential Executive Documents*, P., pages 20, 23, 25.

dreds of carts employed in trade between Fort Garry and St. Paul were constantly passing through the region; a steamboat was plying on the Red River; the St. Paul and Pacific railroad, in the course of construction, ran for two hundred miles through the ceded tract; a Pembina to St. Paul telegraph was likely to be constructed as an extension of a line between Pembina and the Pacific. He contended that the Indians had lands which many of them never saw and from which they derived nothing. If occupied by white men, however, these lands would yield abundant food, blankets, and whatever else the Indians needed. "If they sold the land," he said, "they could still occupy and hunt it as heretofore, probably for a long time"; and, in the event of making a treaty, "their half-breed friends should have homes upon the ceded tract."¹⁹

Negotiations were slow. Finally, the white men made threatening speeches, in an irritated tone, calculated to break down the Chippewa's tenacity. If the Indians refused to make a treaty, said Ramsey, "they would be held answerable for the wrongs they had done." He accused the Pembina Indians of harboring the Sioux. "Both the Pembina and Red Lake Indians," he said, "are coming here to sell a country that the Sioux own more than they do, and ask ten times as much as it would be worth if they owned it themselves." Little Rock refuted this argument. "Whenever our people go to hunt for the Sioux," he said, "they do not find them on the Sheyenne, but have to go clear beyond." "While the Sioux were in quiet possession of that country," the chief continued, "my ancestors had not laid down the tomahawk. We drove them . . . towards the Rocky mountains; and when we had driven them off, then we claimed the land as our own." When the natives were offered a sixtieth of the price they demanded, one of the chiefs expressed regret "that the Great Father thinks so

¹⁹ 38 Congress, 1 session, *Confidential Executive Documents*, P., pages 8, 9, 11, 19, 20.

lightly of our land. . . . The reason that my price looks large to you," he continued, "you forget that the land will be yours as long as the world lasts."²⁰

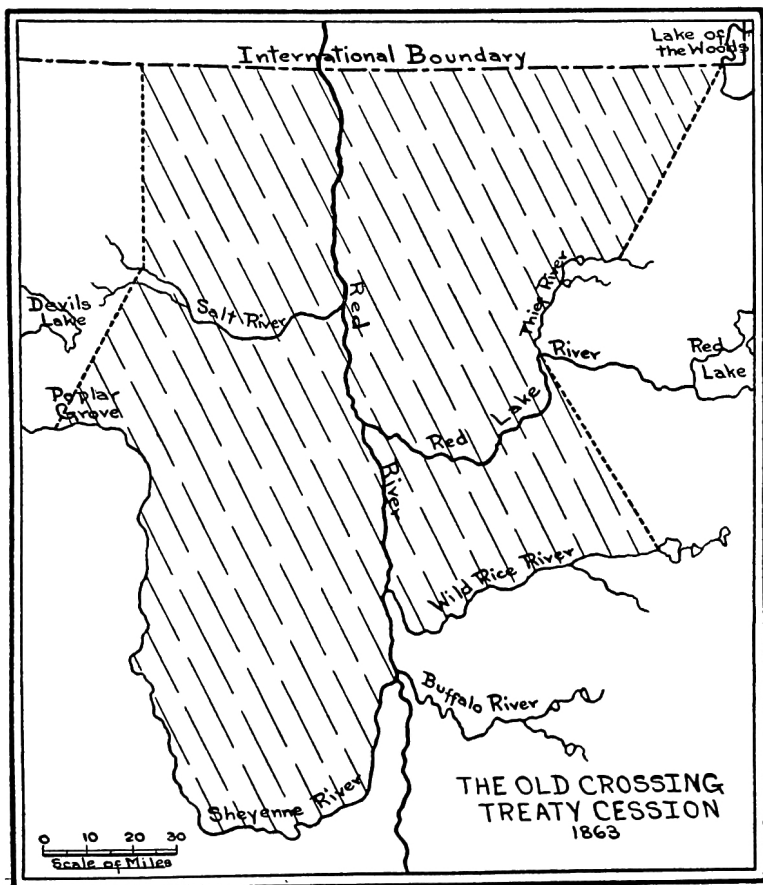
On October 1 Ramsey noted: "To day it looked as if all hope of success was gone. . . . During the night the two Bottineaus, Pierre & Chas. and Frank & Peter Roy with Robt. Fairbanks & Thompson we[n]t to work industriously."²¹ What psychology they used on the individual chiefs—for the council had now been reduced to chiefs—is untold; but the next day, October 2, fourteen days after the negotiations opened, the treaty was signed. On Sunday, October 3, the treaty goods and provisions were distributed. Medals were given to the chiefs. All had signed but one, Matwakoonoonind, the head chief. Ramsey claimed that he refused from motives of pride, although Wheelock credited his refusal to an inherited aversion to surrender. According to Bishop Whipple, the chief refused because the treaty failed to embody certain provisions for education and goods which the missionary had urged the Indians to demand. Both Ramsey and his secretary claimed that the chief gave his verbal consent to the treaty. Some chiefs were promised the fulfillment of a request that they made to go to Washington, not out of dissatisfaction but "to see the power of the 'Great Father.'"²²

What had come out of this strenuous fortnight? The ceded area extended roughly from the west shore of the Lake of the Woods and the forty-ninth parallel to Thief River, to the Red Lake River, southeast to the Wild Rice River and along it to the Red River, up the Sheyenne to Poplar Grove, thence to Salt River, and due north to the forty-ninth parallel, an area of 9,750,000 acres as surveyed. For this tract, twenty thousand dollars was to be paid an-

²⁰ 38 Congress, 1 session, *Confidential Executive Documents*, P., pages 20, 25, 28, 31, 32, 35, 37, 39.

²¹ Ramsey Diary, October 1, 2, 1863.

²² 38 Congress, 1 session, *Confidential Executive Documents*, P., page 9; *Press*, October 16, 1863.



nually for twenty years in equal amounts per capita for enrolled members of the bands, and five thousand dollars of this was to be used for agriculture and education. The traders were to receive from the United States a hundred thousand dollars as compensation for losses sustained as a result of depredations, for which the Indians were granted amnesty. Any residue after the traders' claims were settled was to be paid to chiefs. For various purposes certain money was set aside: two thousand dollars out of the first

payment for twine, powder, lead; a maximum of a hundred and fifty dollars a year to each chief; a sufficient sum from the first payment to build a five-hundred-dollar home for each chief; and five thousand dollars for building a road from Leech Lake to Red Lake. A board of visitors was to be appointed by the government to attend to annuity payments by November 1. A hundred and sixty acres were to be granted to each male adult half-breed or mixed-blood who adopted the customs of civilized life or became a citizen of the United States and homesteaded the claim for five years. Chiefs Moose-Dung and Red Bear each received reservations of six hundred and forty acres. Three-fourths of the payment was to be made in money.²³ Folwell commented thus on the policy of the negotiators: "Cash annuities they [*the commissioners*] should have known and did know passed almost immediately into the hands of traders quite irrespective of value received."²⁴

The treaty had an immediate sequel, which had been foreshadowed even before the negotiations began. At Red Lake in 1861 Matwakoonind, who refused to sign the 1863 treaty, had defeated an attempt to make a treaty with the Red Lake Chippewa "allowing one hundred and fifty thousand dollars for traders' claims." In 1862 Bishop Whipple met this chief, "six feet and four inches in height, straight as an arrow, with flashing eyes, frank, open countenance, and as dignified in bearing as one of a kingly race." To the bishop, Matwakoonind had turned for advice. "They will come some day and ask us to make a treaty," he said. "Will you tell me what to say to them? The Indians to the East have sold their land and have perished. I want my people to live."²⁵

²³ Charles J. Kappler, ed., *Indian Affairs, Laws, and Treaties*, 2: 853-855 (Washington, 1904).

²⁴ Folwell, *Minnesota*, 1: 281.

²⁵ Henry B. Whipple, *Lights and Shadows of a Long Episcopate*, 142 (Minneapolis, 1900); Folwell, *Minnesota*, 4: 476 (St. Paul, 1930).

What Bishop Whipple advised can be deduced from the chief's letter to the bishop dated October 9, 1863. He wrote:

Our lands were given up by persons, who had no right to do so, without our consent & that of our warriors & young men. We do not wish to withhold our lands from our great father, but we wished to make such arrangements as to better the conditions of our people, when you visited us last summer, you are aware that I was anctious to have a school whereby our children could learn to read, & we always thought of farming on a larger scale than at present. . . . We have requested of our Agent, to write to our great father at Washington & say to him that we would like to go & see him at his home. . . . We intend to go to Washington.²⁶

Whipple visited Washington in March, 1864, having been preceded by the Indian delegation.

After the treaty of 1863 had been submitted to the Senate in December, it was so amended that any money left after the claims of traders were settled would revert to the general fund and would not be paid out to the chiefs at once. This amendment the Indians themselves refused to accept in a council held with Commissioner Dole on April 7, 1864. The latter asked Whipple, who arrived in Washington in March, for aid in working out a revision that would be acceptable to the Indians. Apparently the situation was somewhat confused, for, according to one witness of events, the Indians "delay^d so long before it could be found out what they wanted, that the Com^r got tired of them, & wrote out the treaty & told them, that they should have to sign that treaty or go home without one." They then signed the treaty, which took the place of the one negotiated in the Red River Valley the preceding summer, and the new agreement was ratified by the Senate on April 12.²⁷

The changes made in the new treaty followed the lines

²⁶ Matwakoonind to Whipple, October 9, 1863; George Bonga to Whipple, October 14, 1863, Whipple Papers.

²⁷ William P. Dole to Whipple, April 9, 1864; Bonga to Whipple, April 14, 1864, Whipple Papers; Kappler, *Indian Affairs, Laws, and Treaties*, 2: 861.

urged by Bishop Whipple and the younger head chief of the Red Lake band. The latter evidently had not withheld his signature simply through "wounded pride." The treaty divided the annuities and provisions for the Pembina and Red Lake Indians. It provided for various industrial, agricultural, and educational aids. For fifteen years the Red Lake band was to receive eight thousand dollars annually, and the Pembina band was to get four thousand dollars for twine, calico, linsey, blankets, farming tools, and the like. The treaty further provided for the services of a blacksmith, a physician, a miller, and a farmer. Other arrangements called for fifteen hundred dollars worth of iron and steel, and a thousand dollars for carpenter work and the construction of a sawmill and a gristmill. It reduced the amount of money available for the payment of claims for depredations from a hundred thousand dollars to seventy-five thousand dollars. The twenty-five thousand dollars difference was to be paid to the chiefs through agents, upon ratification of the articles of the new treaty, to enable them to purchase provisions, clothing, and presents for distribution to the people upon return to their homes. Any residue of the seventy-five thousand dollars after the payment of priority debts of traders and steamboat proprietors should be used to pay debts incurred by tribes since January 1, 1859. The scrip issued to half-breeds in accordance with the treaty could be used within the cession only. Unfortunately the Indian chiefs did not receive the promised twenty-five thousand dollars when they ratified the treaty. They were informed that an agent would employ the fund in buying goods for them in New York.²⁸

For the execution of the treaty the same board of visitors that had served with the Mississippi Chippewa was

²⁸ 38 Congress, 1 session, *Confidential Executive Documents*, P., page 36; Kappler, *Indian Affairs, Laws, and Treaties*, 2: 861; J. J. Johnson to Whipple, April 28, 1864, Whipple Papers.

named—Bishops Whipple and Thomas L. Grace of Minnesota and Thomas S. Williamson of Iowa. They were to see all books, papers, letters, and amounts of goods and money; to examine annuity goods at posts or in transit to ascertain their quality and quantity; and to make annuity payments.²⁹

The treaties of 1863 and 1864 seem to represent the conflict of two distinct policies and theories of Indian control. One looked at the problem through the eyes of the settlers, the lumber interests, the merchants, and the railroad builders, about whom Ramsey told the Indians. "For some wise reason which we cannot comprehend, the Great Spirit is pressing these white people all over the country," he said. The first concern of this group, as traced in the treaties of 1851 and 1863, was to make a good bargain for the government. With a bit of pride, the chief negotiator wrote to the Indian commissioner in 1863 that "it is believed that no territorial acquisitions of equal intrinsic value have been made from the Indians at so low a rate per acre." A policy upon which there was much variance in 1864 was the form of annuity payment. Ramsey planned that three-fourths of the annuities should be paid in money, for "this form of payment was regarded as at once the most convenient for the government . . . and experience has proved it to be far better for the Indian."³⁰ In contradiction to this policy, Henry M. Rice believed there should be specific amounts provided for agriculture, saw-mills, schools, and the like in order to provide protection for the improvident Indian.

The movement for the reformation of the Indian policy was led by such men as Ignatius Donnelly and Bishop Whipple. Rice, strongly set against money awards, shared

²⁹ Robert B. Van Valkenburgh to Edwin Clark, September 7, 1865, Whipple Papers.

³⁰ 38 Congress, 1 session, *Confidential Executive Documents*, P., pages 10, 25.

their view and declared: "A radical change must be made or the Indian [is] doomed to destruction." But of the Senate and the department of the interior he wrote: "I look for no aid here." Donnelly charged wholesale fraud in connection with appropriations requested for the concentration of Indians living on five reservations in the neighborhood of Leech and Gull lakes, and Whipple wrote to him: "I was glad to see you expose the dishonesty of that appropriation. . . . Nothing for the Indians, but thousands for the Department, unless it is so honest it would not avail itself of the opportunity to steal." Whipple suggested that Donnelly draw up plans for a more adequate system of Indian administration for presentation to the next Congress.³¹ Donnelly carried out this suggestion by proposing the abandonment of treaty making, and the removal of the whole Indian body to some region outside the organized state. He suggested that the government make each Indian the owner of two hundred acres secured by patent and provided with animals and implements of farming, provide Indian homes in villages with small garden plots, distribute all goods and money through military officers, remove traders who destroyed agricultural interests, and in time merge the Indians with settlers.³²

Whipple understood clearly the evils in the old system of Indian administration. He wrote:

Our first dealing with these savages is one of those blunders which is worse than a crime. . . . We treat as an independent nation a people whom we will not permit to exercise one single element of that sovereign power which is necessary to a nation's existence.

The treaty is usually conceived and executed in fraud. The ostensible parties to the treaty are the government of the United States and the Indians; the *real* parties are the Indian agents, traders, and politicians. The avowed purpose of the treaty is for a Christian

³¹ Henry M. Rice to Whipple, February 7, 1863, Whipple Papers; Whipple to Ignatius Donnelly, May 17, 1864, Donnelly Papers, in the possession of the Minnesota Historical Society. Donnelly's attack on appropriations is summed up in the *St. Paul Pioneer* of May 15, 1864.

³² Folwell, *Minnesota*, 3: 27-29 (St. Paul, 1926).

nation to acquire certain lands at a fair price, and make provision that the purchase-money shall be wisely expended, so as to secure the civilization of the Indians. The real design is to pay certain worthless debts of the Indian traders, to satisfy such claims, good or bad, against the Indians, as have been or may be made, and to create places where political favorites may receive their reward for political service. . . . Those chiefs who cannot be bribed or deceived by false interpretations have in some instances been deposed, and more pliable tools appointed in their place.

Whipple goes on to say that the chiefs are "made drunk" and are then robbed of the "very money which had been paid them as a bribe," that provisions in treaties for schools and supplies are often a mere sham, that the liquor trade reaches the reservation from traders on ceded lands under state jurisdiction, and that the government in making payments often deducts for thefts from traders or agencies. The bishop urged the government to give the Indians the protection of law and to treat them as "wards for whom we are responsible." He also asked the government to concentrate tribes on a few reservations, establish schools and churches, promote Indian farming, and place Indian agents and employees of the Indian department beyond the reach of politics.³³ The treaty of 1864 was a slight triumph for the group of reformers who urged the idealistic plan of making the Indian a settled farmer whose children had the benefits of schools and of churches and missions.

The victory of one part of a policy in a formal treaty does not necessarily prove its security then or in later years. The true evaluation lies in the years ahead. When Bishop Whipple in 1885 laid before Congress his plan for the

³³ See a review of the *Report* of the commissioner of Indian affairs for 1863, and of I. V. D. Heard's *History of the Sioux War* (1863), in the *North American Review*, 99: 449-464 (October, 1864). An interesting speculation arises as to the true authorship of this review. In the Whipple Papers are letters negotiating for a review by the bishop and notifying him of its receipt for publication in the issue of October, 1864. In both style and content, even to quotations from *Lights and Shadows*, the article is clearly Whipple's. In 1869 treaty-making ended and agents were no longer political appointees.

consolidation of all Indians on the White Earth reservation, it was found that the Red Lake Indians were holding title to some three million acres which they had never ceded. On August 25, 1886, the Red Lake band ceded to the government two million acres, the land to be surveyed and appraised as timbered or farmed with right of occupancy and with certain civilizing benefits and advantages from government sale of timber. The Nelson Act of 1889 provided that the Indians take up allotments on their own reserve and open the remainder to sale as farm or timber land, the former for a dollar an acre, the latter to the highest bidder. The allotment plan did not meet with the Indians' favor. The Indians would have nothing but a tract held in common about Red Lake and west. In 1902 they ceded again an area of 256,152 acres for encroaching settlers. The government acted as trustee over lands, to sell and pay proceeds into the treasury for the Red Lake Chippewa. Sales realized about \$1,265,000.

With the receipt of large annual payments and the expectation of more, the Red Lake Indians have not taken up farming on a large scale. In 1916 the Red Lake Indian Forest was established and fifty thousand acres of it were cleared at one swoop. Of 12,990 Chippewa in Minnesota in June, 1928, only eight per cent were full bloods; of the Red Lake band, twenty-five per cent were full bloods. Three-fourths of the Chippewa are off reservations. "Although the Chippewa will assuredly lose their existence as a distinct race and will be absorbed in the enveloping white population, no early date can be fixed for the consummation of that absorption."³⁴

ELLA HAWKINSON

STATE TEACHERS COLLEGE
MOORHEAD, MINNESOTA

³⁴ Folwell, *Minnesota*, 4: 325 (St. Paul, 1930).



Copyright of **Minnesota History** is the property of the Minnesota Historical Society and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. Users may print, download, or email articles, however, for individual use.

To request permission for educational or commercial use, [contact us](#).